

BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

**FILED**

DEC 27 2011

SECRETARY, BOARD OF  
OIL, GAS & MINING

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IN THE MATTER OF THE REQUEST :  
FOR AGENCY ACTION OF BERRY :  
PETROLEUM COMPANY FOR AN :  
ORDER ESTABLISHING A 640 ACRE :  
DRILLING UNIT FOR THE :  
HORIZONTAL WELL, THE FOY TRIBAL :  
12H-33-55 WELL, FOR PRODUCTION OF :  
OIL AND GAS FROM THE LOWER :  
GREEN RIVER FORMATION :  
UNDERLYING SECTION 33 IN :  
TOWNSHIP 5 SOUTH, RANGE 5 WEST, :  
USM, DUCHESNE COUNTY, UTAH.

NOTICE OF HEARING

Docket No. 2012-007

Cause No. 277-01

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THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE FOLLOWING  
MATTER.

Notice is hereby given that the Board of Oil, Gas and Mining ("Board"), State of Utah, will conduct a hearing on WEDNESDAY, JANUARY 25, 2012, at 9:00 AM, or as soon thereafter as possible, in the auditorium of the Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah.

The hearing will be conducted as a formal administrative adjudication in accordance with the rules of the Board as set forth in Utah Administrative Code R641 et seq. and as provided for in Utah Code Ann. § 40-6-1 et seq. and Utah Code Ann. § 63G-4-101 through 601.

The purpose of the hearing will be for the Board to receive testimony and evidence regarding a Request for Agency Action that the Board enter an Order:

1. Establishing a 640 acre drilling unit for the horizontal well, the Foy Tribal 12H-33-55 Well, for the production of oil and gas from the Lower Green River Formation underlying Section 33, Township 5 South, Range 5 West, USM (Subject Lands); and
2. Allowing the continued location and drilling of all vertical wells, including existing and future wells, within the Subject Lands in conformance with the requirements outlined in Utah Admin. Code R649-3-2 and Utah Admin. Code R649-3-3; and

3. Making such findings and orders in connection with this Request as it deems necessary;  
and
4. Providing such other relief as may be just and equitable under the circumstances.

Objections to the Request for Agency Action must be filed with the Secretary of the Board at the address listed below no later than the 10th day of the month, or two weeks before the scheduled hearing, whichever is earlier. A party must file a timely written objection or other response in order to participate as a party at the Board hearing.

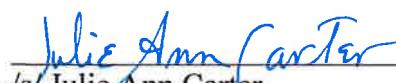
Natural persons may appear and represent themselves before the Board. All other representation by parties before the Board will be by attorneys licensed to practice law in the State of Utah, or attorneys licensed to practice law in another jurisdiction which meet the rules of the Utah State Bar for practicing law before the Utah Courts.

Persons interested in this matter may participate pursuant to the procedural rules of the Board. The Request for Agency Action, and any subsequent pleadings, may be inspected at the office of the undersigned.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this hearing should call Julie Ann Carter at (801) 538-5277, at least three working days prior to the hearing date.

DATED this 27th day of December, 2011.

STATE OF UTAH  
BOARD OF OIL, GAS AND MINING  
James T. Jensen, Chairman

  
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/s/ Julie Ann Carter  
Secretary to the Board  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84116  
(801) 538-5277

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2012-007, Cause No. 277-01 to be mailed with postage prepaid, this 27<sup>th</sup> day of December, 2011, to the following:

A. John Davis  
Mark L. Burghardt  
Holland & Hart LLP  
222 South Main Street, Suite 2200  
Salt Lake City, Utah 84101

United States of America  
Bureau of Indian Affairs  
Unitah and Ouray Reservation  
P.O. Box 130  
Ft. Duchesne, UT 84026

Michael S. Johnson  
Assistant Attorneys General  
Utah Board of Oil, Gas & Mining  
1594 West North Temple, Suite 300  
Salt Lake City, UT 84116  
**[Via Email]**

Ute Distribution Corporation  
P.O. Box 696  
Roosevelt, UT 84066

W.C. Sons L.L.C.  
Leo B. Foy, Manager  
PO Box 996  
Duchesne, UT 84021

Steven F. Alder  
Assistant Attorneys General  
Utah Division of Oil, Gas & Mining  
1594 West North Temple, Suite 300  
Salt Lake City, UT 84116  
**[Via Email]**

Sharon F. Lloyd  
1680 West 300 South  
Heber City, UT 84032

Berry Petroleum Company  
1999 Broadway Street, Suite 3700  
Denver, CO 80202

Peggy F. Sulser and Lynn J. Sulser  
2022 South 2400 East  
Heber City, UT 84032

Bill Barrett Corporation  
1099 18th Street, Suite 2300  
Denver, CO 80202-1939

Ute Energy Upstream Holdings, LLC  
1875 Lawrence St., Suite 200  
Denver, CO 80202

United States of America  
Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155

Bureau of Land Management  
Vernal Field Office  
Attn: Jerry Kenczka  
170 South 500 East  
Vernal, UT 84078

Ute Indian Tribe  
Energy and Minerals Dept.  
P.O. Box 70  
Ft. Duchesne, UT 84026

John H. Foy and Joan V. Foy  
P.O. Box 374  
Altamont, UT 84001

Kathy F. Olsen and Berdell L. Olsen  
8577 South State  
Spanish Fork, UT 84660

William Wayne Foy & Kimberly K. Foy  
1405 South Mill Road  
Heber City, UT 84032



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**CERTIFICATE OF PUBLISHED NOTICE**

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2012-007, Cause No. 277-01 to be PUBLISHED in the following newspapers on the following days:

January 1, 2012:

The Salt Lake Tribune and Deseret Morning News, newspapers of general circulation in Salt Lake City and County.

January 3, 2012:

Uintah Basin Standard, a newspaper of general circulation in Duchesne and Uintah Counties.

January 4, 2011:

Vernal Express, a newspaper of general circulation in Uintah and Daggett Counties.

  
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